



January 25, 2008

SENATE BILL No. 212

DIGEST OF SB 212 (Updated January 23, 2008 1:44 pm - DI 102)

Citations Affected: IC 22-2.

Synopsis: Expense advances to driver employees. Authorizes under certain circumstances an employer that is engaged in the transportation of property or household goods over public highways to deduct from wages earned in a subsequent pay period amounts advanced to a driver employee for wages and business expenses that are not adequately substantiated. Requires an employer to provide notice to the driver employee that amounts in excess of substantiated expenses may be deducted from a subsequent paycheck. Provides that the deduction may not be considered a fine, wage deduction, or wage assignment.

Effective: July 1, 2008.

Bray, Hume

January 8, 2008, read first time and referred to Committee on Pensions and Labor.
January 24, 2008, amended, reported favorably — Do Pass.

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SB 212—LS 6582/DI 102+



January 25, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

SENATE BILL No. 212

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-2-6-5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2008]: **Sec. 5. (a) This section applies to an employer that:**

4 (1) **is engaged in the business of interstate or intrastate**
5 **transportation of property or household goods over public**
6 **highways in Indiana; and**

7 **(2) either:**

8 **(A) holds a registration issued by the Federal Motor**
9 **Carrier Safety Administration under 49 U.S.C. 13902; or**

10 **(B) is subject to the safety and certification requirements**
11 **of the department of state revenue under IC 8-2.1-24.**

12 **(b) An employer that:**

13 **(1) uses cash, an electronic transfer, or another means after**
14 **June 30, 2008, to advance to a driver employee:**

15 **(A) the amount of an anticipated business expense not yet**
16 **incurred; or**

17 **(B) wages not yet earned; and**

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(2) provides the notice described in subsection (c);
 may deduct from wages earned by the driver employee in a
 subsequent pay period the amount of the advance in excess of the
 amount that the driver employee adequately substantiates as
 described in subsection (c).

(c) An employer may not make a deduction under subsection (b)
 unless the employer has provided notice to the driver employee
 that the amount of the advance may be deducted from a
 subsequent paycheck to the extent the amount exceeds the amount
 that is substantiated with:

(1) a receipt; or

(2) other appropriate documentary evidence;
 that at least complies with the requirements applicable to
 reimbursement or other expense allowance arrangements under 26
 U.S.C. 62(c).

(d) A deduction under subsection (b) may not be considered:

(1) a fine under IC 22-2-8-1;

(2) a wage deduction under this article; or

(3) a wage assignment under IC 22-2-7 or section 2 of this
 chapter.

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SENATE MOTION

Madam President: I move that Senator Hume be added as coauthor of Senate Bill 212.

BRAY

 COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill No. 212, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 14, after "employee" insert ":

(A)".

Page 1, line 15, after "incurred;" insert "**or**

(B) wages not yet earned;".

Page 2, line 5, after "unless" delete ", at the time of the advance,".

Page 2, line 5, delete "provides" and insert "**has provided**".

Page 2, line 6, delete "advanced" and insert "**of the advance**".

and when so amended that said bill do pass.

(Reference is to SB 212 as introduced.)

KRUSE, Chairperson

Committee Vote: Yeas 7, Nays 0.

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